REMARKS

The Office Action dated October 16, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-8, 10-13, 15, and 17-40 are pending in the application. Claims 15, 28, and 40 have been amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter is added. Applicant submits the pending claims for consideration in view of the following.

Improper Finality

The finality of the pending Office Action is improper because the Office Action has failed to respond to all of Applicants traversals in the previous Response filed on June 27, 2008.

On pages 24-25 of the previous Response, Applicant traversed the rejection with respect to independent claims 1, 19, 22, and 32, arguing, for example, that Boivin fails to disclose or suggest "update said routing information for at least one of said inactive subscribers to route signaling to an active subscriber register when said at least one of said inactive subscribers becomes active." Further, Applicant traversed the rejection of claims 19-20, 23, and 41 arguing that Boivin fails to disclose or suggest "provisioning an active subscriber register of the communication network with subscriber data associated with the inactive subscriber to be activated based on the received message." On pages

26-27, Applicant traversed the rejection of claims 6-9 on the grounds that a combination of Boivin and Kowarsch fails to disclose or suggest all the limitations of the rejected claims.

MPEP § 707.07(f) states that "[i]n order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner **must** provide clear explanations of all actions taken by the examiner during prosecution of an application" (emphasis added). "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it" (*Id.*). "The examiner must address all arguments which have not already been responded to in the statement of the rejection" (MPEP § 707.07(f), Examiner Note 1).

However, despite Applicant's clear traversals, the pending Office Action failed to address Applicant's arguments. On page 11, the pending Office Action alleged that the Examiner disagrees as to the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section). Accordingly, the Office Action does not respond to the traversals of the Response filed on June 27, 2008. Additionally, the "relevant citations" essentially include the same citation used in the original rejection presented in the Office Action of March 31, 2008.

Consequently, the pending Office Action has failed to address the traversals presented in the previous Response. Failure to specifically respond to Applicant's

arguments renders the Office Action arbitrary and capricious, and therefore invalid under the Administrative Procedure Act (5 U.S.C. § 706), a standard to which all Actions by the USPTO must adhere (see *Dickenson v. Zurko*, 527 U.S. 150 (1999)). For at least these reasons, the finality of the outstanding Office Action is improper. Accordingly, Applicant respectfully requests that the finality of the outstanding Office Action be withdrawn. In the event that the rejections in the Office Action are reasserted, Applicant kindly asks that the such a reassertion be accompanied by commentary that includes sufficient detail for Applicant to proceed with the issues at hand.

§103(e) Rejections

Claims 1-5, 10-13, 15, 19-25, 28, 29, 32-36, and 39-41 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0092436 ("Boivin"). Applicant traverses this rejection as follows.

Claim 1, upon which claims 2-8, 10-13, 15, and 17-18 depends, is generally directed to a method that includes receiving at a routing register a message associated with an inactive subscriber of a communications network and including data relating to the identity of said subscriber. The method also includes, based on the identity of said subscriber and on routing information stored at said routing register, selectively routing said message from said routing register to an inactive subscriber register for storing subscriber data for inactive subscribers. The method further includes updating said routing information associated with the subscriber at the routing register to route

subsequent signaling associated with the subscriber to an active subscriber register, which after the receipt of said message at the inactive subscriber register is provisioned with subscriber data required by the active subscriber register to service said subscriber.

Claim 19 is generally directed to a system that includes an active subscriber register, and an inactive subscriber register comprising. The inactive subscriber register comprises a storage configured to store subscriber data for inactive subscribers of a communication network, a receiver configured to receive a message identifying an inactive subscriber to be activated, and a processor configured to provision the active subscriber register of the communication network with subscriber data associated with the inactive subscriber to be activated based on the received message. The system also includes a routing register that comprises a storage configured to store routing information relating to the identity of a plurality of subscribers of a communication network. The routing register also comprises a processor configured to route signaling associated with inactive subscribers to an inactive subscriber register, and update said routing information for at least one of said inactive subscribers to route signaling to an active subscriber register when said at least one of said inactive subscribers becomes active.

Claim 20, upon which claims 24-31 depend, is generally directed to an apparatus that includes a storage configured to store subscriber data for inactive subscribers of a communication network, a receiver configured to receive a message identifying an inactive subscriber to be activated, and a processor configured to provision an active

subscriber register of the communication network with subscriber data associated with the inactive subscriber to be activated based on the received message.

Claim 21, upon which claims 33-34 depend, is generally directed to an apparatus that includes a storage configured to store routing information relating to the identity of a plurality of subscribers of a communication network and a processor. The processor being configured to route signaling associated with inactive subscribers to an inactive subscriber register, and update said routing information for at least one of said inactive subscribers to route signaling to an active subscriber register when said at least one of said inactive subscribers becomes active.

Claim 22 is generally directed to a computer program embodied on a computer-readable medium. The computer program is configured to control a processor to perform operations that include receiving at a routing register a message associated with an inactive subscriber of a communication network and including data relating to the identity of the subscriber. The operations also include selectively routing the message, based on the identity of the subscriber and on routing information stored at the routing register, from the routing register to an active subscriber register for storing subscriber data for inactive subscribers. The operations also include updating the routing information associated with the subscriber at the routing register to route subsequent signaling associated with the subscriber to an active subscriber register, which after the receipt of the message at the inactive subscriber register is provisioned with subscriber data required by the active subscriber register to service the subscriber.

Claim 23, upon which claims 35-40 depend, is generally directed to a method that includes storing subscriber data for inactive subscribers of a communication network at an inactive subscriber register, receiving at the inactive subscriber register a message identifying an inactive subscriber to be activated, and provisioning an active subscriber register of the communication network with subscriber data associated with the inactive subscriber to be activated based on the received message.

Claim 32, upon which claims 33-34 depend, is generally directed to a service routing register that includes a storage configured to store routing information relating to the identity of a plurality of subscribers of a communication network and a processor configured to route signaling associated with inactive subscribers to an inactive subscriber register, and update the routing information for at least one of the inactive subscribers to route signaling to an active subscriber register when the at least one of the inactive subscribers becomes active.

Claim 41 is generally directed to a computer program embodied on a computer-readable medium. The computer program configured to control a processor to perform operations that include storing subscriber data for inactive subscribers of a communication network at an inactive subscriber register, receiving at the inactive subscriber register a message identifying an inactive subscriber to be activated, and provisioning an active subscriber register of the communication network with subscriber data associated with the inactive subscriber to be activated based on the received message.

Each of the foregoing claims recites limitations that are not disclosed or suggested by Boivin.

Boivin generally discloses a method and system that enables customers to reuse old telephone numbers. In Boivin, when a customer buys a first mobile phone, the customer is assigned a phone number which is stored once an account for the first mobile phone expires. Upon buying a second mobile phone, the Boivin system enables the customer to use a new phone number for the second mobile phone or reuse the number o the first mobile phone. This enables a customer to buy multiple mobile phones and still maintain the same phone number.

However, Boivin fails to disclose or suggest "update said routing information for at least one of said inactive subscribers to route signaling to an active subscriber register when said at least one of said inactive subscribers becomes active," as recited in claims 21, and as analogously recited in claims 1, 19, 22, and 32.

Additionally, Boivin fails to disclose or suggest "provisioning an active subscriber register of the communication network with subscriber data associated with the inactive subscriber to be activated based on the received message," as recited in claim 23, and as analogously recited in claims 19-20, and 41.

Instead, Boivin discloses that when a customer places a new call on a recently activated RDP 214. An MSC 208 connects the call with a PSP 202 based on the MIN of the RDP. The PSP 202 connects the call to a server 218 to determine that the RDP is new. The server 218 then connects the calls to an IVR 222, which determines that the

user has a previous phone number that the user wishes to associate with the new phone. The IVR verifies that the previous phone number is currently inactive, and sends the previous phone number to the MSC 208, so that the previous phone number is associated with the MIN of the RDP, thereby enabling the new phone to have the previous phone number.

It appears that the Office Action believes the PSP 202 to be comparable to the inactive subscriber register recited in the claims. In paragraph [0025] of Boivin, the server 218 uses the phone MIN to obtain information for determining that the phone is new. However, the PSP 202 is not disclosed as provisioning an active subscriber register and/or updating a routing register such that subsequent signaling relating to the activated RDP is routed to an active subscriber register. Additionally, the server 218 is disclosed as sending a directory/MIN combination to MSC 208, which stores the association of the previous phone number and the MIN of the phone. However, similar to the PSP 202, these features are not disclosed as provisioning an active subscriber register and/or updating a routing register such that subsequent signaling relating to the activated RDP is routed to an active subscriber register.

Accordingly, Boivin fails to disclose or suggest all the limitations of claims 1, 19-23, 32, and 41. Therefore, Applicant respectfully requests that the rejection of claims 1, 19-23, 32, and 41 be withdrawn. Additionally, Applicant respectfully requests that the rejection of claims 2-5, 10-13, 15, 24-25, 28-29, 33-36, and 39-40 be withdrawn for their

dependency from claims 1, 20-21, and 23 and for the patentable subject matter recited therein.

§103(a) Rejections

Claims 6-8, 26, 27, 30, 31, 37, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boivin in view of U.S. Publication No. 2004/0132449 ("Kowarsch"). The Office Action took the position that Boivin fails to disclose all the limitations of the rejected claims, but that Kowarsch accounts for the deficiencies of Boivin in a manner that renders the rejected claims obvious. Applicant respectfully asserts that a combination of Boivin and Kowarsch fails to disclose or suggest all the limitations of the rejected claims.

Boivin is discussed above. Kowarsch generally discloses a method and apparatus for permitting a mobile station to operate in a visited network. This is achieved by monitoring an attempt by the mobile station to sign onto a visited network, determining whether a predetermined condition is met, and automatically initiating the creation of an account for the mobile station in the visited network.

However, a combination of Boivin and Kowarsch fails to disclose or suggest "updating said routing information associated with the subscriber at the routing register to route subsequent signaling associated with the subscriber to an active subscriber register, which after the receipt of said message at the inactive subscriber register is provisioned with subscriber data required by the active subscriber register to service said subscriber,"

as recited in claim 1, and as similarly recited in claims 20-21 and 23, from which claims 6-8, 26, 27, 30, 31, 37, and 38 depend.

The deficiencies of Boivin with respect to claim 1 are detailed above. In short, Boivin fails to disclose or suggest at least the foregoing limitations. Similarly, Kowarsch also fails to disclose the limitations. Instead, Kowarsch discloses a method and apparatus for permitting a mobile station to operate in a visited network that does not disclose the foregoing limitations.

Accordingly, a combination of Boivin and Kowarsch fails to disclose or suggest all the limitations of claim 1, 20-21 and 23. Additionally, Boivin and Kowarsch fails to disclose or suggest all the limitations of claims 6-8, 26, 27, 30, 31, 37, and 38 for their dependency from claims 1, 20-21 and 23, and for the patentable subject matter recited therein. Therefore, Applicant respectfully requests that the rejection of claims 6-8, 26, 27, 30, 31, 37, and 38 be withdrawn.

Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boivin in view of U.S. Publication No. 2003/0190913 ("Coad"). The Office Action took the position that Boivin fails to disclose all the limitations of the rejected claims, but that Coad accounts for the deficiencies of Boivin in a manner that renders the rejected claims obvious. Applicant respectfully asserts that a combination of Boivin and Coad fails to disclose or suggest all the limitations of the rejected claims.

Boivin is discussed above. Coad discloses a solution for enabling a mobile user to make a call by using a pre-paid account that is automatically set up by a visited network.

In Coad, an auxiliary HLR recognizes that the user would normally be denied service and, or receipt of a registration request, sets up an account, which is made active in a final stage after notification to the user in a Short Message and payment of funds.

However, a combination of Coad and Boivin fails to disclose or suggest, at least, "updating said routing information associated with the subscriber at the routing register to route subsequent signaling associated with the subscriber to an active subscriber register, which after the receipt of said message at the inactive subscriber register is provisioned with subscriber data required by the active subscriber register to service said subscriber," as recited in claim 1, from which claims 17-18 depend.

As described above, Boivin fails to disclose these limitations. Similarly, Coad fails to disclose these limitations. Instead, Coad discloses a communication system where pre-paid cell phone may make calls in a visited network without disclosing the foregoing limitations. Accordingly, a combination of Boivin and Coad fails to disclose or suggest the limitations of claims 17-18, for their dependency from claim 1, and for the patentable subject matter recited therein. Therefore, Applicant respectfully requests that the rejection of claims 17-18 be withdrawn.

Conclusion

Applicant respectfully asserts that the pending claims pass to issue and allowance. If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the

applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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